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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st March, 1974/*Chaitra* 10, 1896 (*Saka*)

The following President's Act is published for general information:—

THE GUJARAT PANCHAYATS (AMENDMENT) ACT, 1974

No. 8 OF 1974

Enacted by the President in the Twenty-fifth Year of the Republic of India.

An Act further to amend the Gujarat Panchayats Act, 1961.

11 of 1974. In exercise of the powers conferred by section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1974, the President is pleased to enact as follows:—

Short title. **1.** This Act may be called the Gujarat Panchayats (Amendment) Act, 1974.

Gujarat Act VI of 1962. **2.** In the Gujarat Panchayats Act, 1961, after section 303, the following section shall be inserted, namely:—

Insertion of new section 303A.

Power of State Government to appoint officers to carry on the administration of panchayats in certain circumstances.

"303A. (*1*) Notwithstanding anything contained in this Act or the rules or by-laws made thereunder, if, at any time, the State Government is satisfied that a situation exists by reason of dissensions among the members of a panchayat or disturbances in the whole or any part of the State of Gujarat whereby—

(*i*) the administration of the affairs of a panchayat cannot be carried on in accordance with the provisions of this Act or the rules or by-laws made thereunder; or

(*ii*) it is not possible or expedient to hold elections for the reconstitution of a panchayat on the expiry of its term,

the State Government may, by notification in the Official Gazette, make a declaration to that effect.

(2) A notification issued under sub-section (1) in relation to any panchayat shall remain in force for such period, not exceeding six months, as may be specified therein:

Provided that if the State Government is of the opinion that it is necessary so to do, it may, by order and for reasons to be mentioned therein, extend, from time to time, the period so specified; so, however, that the notification shall not in any case remain in force for more than one year in the aggregate.

(3) On the issue of a notification under sub-section (1) in relation to any panchayat,—

(a) all the members of such panchayat shall vacate their office as such members;

(b) all the powers and duties of such panchayat shall, during the period when such notification is in force, be exercised and performed by such officer of the State Government as it may, by order, specify in that behalf.

(4) The State Government shall, before the expiry of the period specified in the notification issued under sub-section (1) or extended under the proviso to sub-section (2), as the case may be, take steps for the purpose of reconstituting the panchayat in the manner provided in this Act.".

V. V. GIRI.
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The extended terms of the present Taluka and District Panchayats in the State of Gujarat expire on 31st March, 1974. These panchayats have been functioning for more than one year after the expiry of their normal term of five years. However, the recent disturbances in the State have created an atmosphere which is congenial neither to the continuance of these panchayats for a further period nor for holding elections for their reconstitution. It is, therefore, considered necessary to entrust the administration of these panchayats temporarily to officers appointed by the State Government. There is, however, no provision in the Gujarat Panchayats Act, 1961, enabling the State Government to take such action in situations created by such or other special circumstances. The present measure seeks to amend the Gujarat Panchayats Act, 1961, so as to empower the State Government to appoint officers for carrying on the administration of the affairs of panchayats in certain special circumstances.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Gujarat Legislation. This measure is accordingly being enacted without reference to the Consultative Committee.

K. N. CHANNA,
Addl. Secy. to the Govt. of India,
Ministry of Agriculture
(Department of Community
Development and Co-operation).

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